

Minutes

The Garrett County Board of License Commissioners/ Liquor Control Board held its regular meeting in the Commissioners Public Meeting Room 209 on Thursday, April 7, 2011 at 9:00 AM. Present for the meeting were Chairperson Thomas Gearhart, Commissioner Mike Fratz, Commissioner Bea Crosco, Administrator to the Board Deborah R. Owston, and Administrative Assistant pro tem Carol Craver.

Chairperson Gearhart called the meeting to order at 9:10 AM. The March 3, 2011 minutes were reviewed and accepted. Commissioner Crosco made the motion to approve; motion was seconded by Commissioner Fratz and made unanimous by Chairperson Gearhart.

Under General Discussion, Ms. Owston noted that only four of 96 liquor license renewals have been received. Ms. Owston gave updates on pertinent legislation including HB 121 / SB 168 known as the dime a drink tax, which did not get out of committee. Two similar bills HB 1213 and SB 924; proposing the increases in the sales tax on alcoholic beverages are likely to pass this session. Senator Edwards and Delegate Beitzel are both against the increase in the tax, which could raise the sales tax on alcohol from six to nine percent over the next three years. As it reads now a portion of the tax collected would benefit the Department of Disabilities Administration waiting list initiative and a portion would go to the Public School Capital Appropriations for a couple of counties. HB 1175, direct wine shipment legislation, passed both the House and Senate with a few changes from the original introduction of the bill. This will allow Maryland consumers of age to receive shipments of wine delivered through a registered common carrier from a winery permitted by the Comptroller's Office. HB 1313 referencing hours for Class A licenses died in the House. Ms. Owston announced that Avilton Community Association will be holding a cash bash Sunday, April 10, 2011. Ms. Owston reminded them that alcohol cannot be served until after 1:00 PM. She said that The Neighborhood Store in Kitzmiller closed at the end of January 2011 according to proprietor Ashley Crawford. The Local Restaurant and Bar in Accident is proceeding with requirements and finishing their renovations including roof replacement. On April 6, 2011, Lauren Bonar had an inspection by the Fire Marshal's Office and Health Department. Ms. Bonar indicated that they anticipate approval from both agencies and wish to open by the end of April. Ms. Owston updated the Board on the Wisp Lodestone Golf Club's pending license approval, which the Board extended through April 2011. Ms. Owston will contact Ms Myers for an update.

A license hearing was held at 9:30 AM for a Special Class "C" License 2-day BWL License for Garrett County Community Action Committee Inc. to be used on May 12, 2011 from 5:00 PM to 7:00 PM at the Mary Browning Senior Center, 104 E. Center St., Oakland. Present for the hearing was applicant Lynda Weeks. Ms. Weeks is planning a sign-up dinner with a meal and a beer for low-income residents, in an effort to make citizens aware of Medicare benefits. She is certain there are many in the county who would be eligible for assistance with Medicare premiums. They need a minimum of 10 to pre-register; but in the past attendance sadly has been nil so the proposal for a meal and a beer is in the works. They plan to get beer from Midway as needed. Chairperson Gearhart reminded Ms. Weeks to be sure to check ages of attendees and family members. A motion to grant the Special Class "C" BWL License was made by Commissioner Crosco; seconded by Commissioner Fratz and made unanimous by Chairperson Gearhart.

A license hearing was held for the transfer of license #10-74 Class "D" Beer On-Sale License and license #10-74D Draft Beer License to a Class "B" Beer & Wine On-Sale License and Draft Beer License from Midland Food Services of Garrett County, LLC operating as Pizza Hut #010979 to Sugar Creek Pizza, LLC operating as Pizza Hut #027292. Applicants for the license are local Manager Anthony Lopez, Christopher Flocken and Charles Hudson. Anthony Lopez was present for the hearing. The business is located at 6 South Third St., Oakland, MD. After information provided by Ms. Owston, it was determined that it may be possible to amend the LLC to combine Midland Food Services of Garrett County, LLC with Sugar Creek Pizza, LLC by just changing the parent company. Ms. Owston will consult with Board Attorney Craig Ingram on this possibility. Commissioner Crosco made the motion to change the Class "D" Beer On-Sale License to a Class "B" Beer & Wine On-Sale License with the new issuance of the Draft Beer license pending Craig Ingram's recommendation and a copy of the Trader's License. Commissioner Fratz seconded the pending motion and Chairperson Gearhart made it unanimous.

A license hearing was scheduled for 10:00 AM for a Class "B" BDR Deluxe BWL On-Sale License with Catering Option, Sunday Sales Option, and Off-Premise Wine Sales Option, and a Draft Beer License for Dutch's at Silver Tree, LLC operating as Dutch's at Silver Tree. Applicants for the license are Eileen Gideon and Joseph Gideon of Frederick, MD, and Terry Boggs as the local resident. The Gideon's, Mr. Boggs and Manager Megan Till were present for the hearing. The business is located at 565 Glendale Road, Oakland, MD. The Gideon's have operated Dutch's Daughters restaurant in Frederick seven days a week for 25 years, with seating for 750. Here they plan, once extensive renovations are complete, to offer fine and casual dining seven days a week, for 290 patrons. Hours will be 11:00 AM until 11:00 PM every day. There are no plans for outside entertainment at this time. They plan to hire 20 full time employees and between 40 and 70 part-time employees. Ms. Owston reminded them that Sunday sales of alcohol may not begin until 1:00 PM with a meal. The proprietors will determine what constitutes a meal. Catering will be allowed within election district 7 only on Sundays. Ms. Owston noted that on a Sunday alcohol should not be served to the customer until a meal has been ordered, and reminded them that bottles may not be refilled or combined. Also, she mentioned that alcohol must be purchased from Maryland wholesalers only; that management is responsible for monitoring drinking and alcohol consumption. Servers age 18 and older may take drinks only from the bar to seated customers. Ms. Owston stated that she will forward a copy of Article 2B as it relates to the employment age. Ms. Till informed the Board that she has recently been TIPS trained. Ms. Owston presented them with an ID Checking kit of pens, copies of drivers' licenses, etc. provided by the Health Department. The Gideon's, Ms. Till, and Mr. Boggs then left the room so the board could go into executive session regarding criminal history record checks on the applicants. Once the group was called back in, Commissioner Crosco made a motion to approve the application; Commissioner Fratz seconded, and Chairperson Gearhart made it unanimous, contingent on all other requirements being met. The Trader's License, Use & Occupancy permit and Health Permit are still needed.

Ms. Owston informed the Board that Bud's Package Store in Crellin sustained smoke damage in the bar area and extensive fire damage to the adjacent apartment following a

recent fire. The owners' son and business manager Chris Williams and his family lost their possessions in the fire, and there has been talk of holding a benefit to help the couple. Ms. Owston has reviewed with licensee, Barbara Williams, the Class "D" BWL On-Sale tavern license in comparison with their current Class "D" BWL Off-Sale package store license. There are two separate registers for the business now and Ms. Williams pointed out to Ms. Owston that they are operating with more on-premise sales than off-premise sales compared to the previous operation of the establishment. Ms. Owston explained to Ms. Williams that if the license class were to be changed to a Class "D" BWL On-Sale license, no more than 25% of gross sales could be for to-go beverages. They were instructed to submit a request in writing to the Board for consideration of the reclassification.

An incident report from the Garrett County Sheriff's Office concerning a fight in the VFW parking lot March 25 around 10 PM. was read, since a patron's car was damaged. Two employees submitted written statements regarding the fight. Chairperson Gearhart suggested and Commissioner Crosco agreed that Ms. Owston should write a letter to the VFW management reminding them of the need to maintain better control of the events at their facility, to help maintain the peace and safety of the community.

An incident report from the Garrett County Sheriff's Office referencing an anonymous female customer at Table Rock March 26, 2011 alleging that there was a man making threats towards the proprietors was reviewed by the Board. Chairperson Gearhart reviewed with the other Board members information he was aware of concerning the establishment. Ms Owston also reviewed with the Board a concerned citizen call on the business. Ms. Owston has made two site visits and spoken with the proprietors. In the end, the Board took no action at the present time.

Ms. Owston said that Mr. Foster of Honey's Pawn Run Saloon had paid his \$600 fine and that his license had been re-instated.

The next meeting will be May 5, 2011. Commissioner Crosco made a motion to adjourn, which was seconded by Commissioner Fratz and made unanimous by Chairperson Gearhart.